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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,833	08/04/2003	Etsuro Endo	P/2291-110	5261

2352 7590 07/31/2006

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EXAMINER	
RIVERO, ALEJANDRO	

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/633,833	ENDO, ETSURO	
	Examiner	Art Unit	
	Alejandro Rivero	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

Response to Arguments

1. Applicant's arguments filed 5/18/2006 have been fully considered but they are not persuasive.

Applicant argues that the cellular radio device of Zhou is only communicating and not controlling communication. The examiner respectfully disagrees since the cellular radio device of Zhou performs at least the steps of signal processing, power amplifying, mixing, and modulation/demodulation (see figure 2). These steps serve to control communication.

Applicant further argues that Cannon does not teach a device which only controls external communication. It is noted that the feature "only controls" upon which applicant relies is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Specification

2. The examiner accepts the changes made to the specification and the objection to the specification of the previous Office Action is withdrawn.

Claim Objections

3. The amendment filed 5/18/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: In claim 1: "checking

whether the sub controller is ~~performing~~ controlling the external communication" and "when the external communication has not been ~~performed~~ controlled for a predetermined time-out period, powering off the sub controller". In claim 6: "operation check means for checking whether the sub controller is ~~performing~~ controlling the external communication" and "power control means controlling power supply of the sub controller such that the sub controller is powered off when the external communication has not been ~~performed~~ controlled for a predetermined time-out period". In claim 9: "operation check means for checking whether the sub controller is ~~performing~~ controlling the external communication" and "power control means controlling power supply of the sub controller such that the sub controller is powered off when the external communication has not been ~~performed~~ controlled for a predetermined time-out period". In claim 10: "checking whether the sub controller is ~~performing~~ controlling the external communication" and "when the external communication has not been ~~performed~~ controlled for a predetermined time-out period, powering off the sub controller". Applicant points to page 9, line 13 to page 10, line 10 of the specification as a source for antecedent basis. However, the examiner does not find support in the specification for the changes aforementioned. The specification supports that the sub controller controls external communication. The specification also supports checking whether the sub controller is performing external communications. The specification supports powering off the sub controller if external communication has not been performed. The specification does not support checking whether the sub controller is controlling external

communication and it does not support powering off the sub controller when the external communication has not been controlled.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 101

4. The examiner accepts the changes made to claims 10-12 in order to overcome the 35 U.S.C. 101 rejection of previous Office Action and such rejection is withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou et al. (US 2003/0003973 A1) in view of Cannon (WO 94/17502, cited in applicant's IDS).

Consider claim 1, Zhou et al. disclose a power supply control method in a portable communication device provided with a plurality of controllers including a main

controller (control portion) and a sub controller (cellular radio device) for controlling external communication (Abstract, paragraphs [0015]-[0016], figure 1 elements 1, 3 and 4), comprising the steps of: a) checking whether the sub controller is controlling the external communication (Paragraphs [0016] and [0035]); and b) when the external communication has not been controlled powering off the sub controller (Abstract, figure 1 elements 1, 3 and 4, paragraphs [0016] and [0035]).

However, Zhou et al. do not disclose a predetermined time-out period.

Cannon discloses a predetermined time-out period (Abstract, page 2 lines 1-19).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a predetermined time-out period as taught by Cannon in the method of Zhou et al. in order to respond to a need to communicate with the external device during the predetermined time-out period and disconnect power when the time-out period expires in order to save power (as suggested by Cannon in page 1 lines 13-32, page 2 lines 1-19, and as suggested by Zhou et al. in paragraph [0012]).

Consider claim 2, Zhou et al. as modified by Cannon disclose all the limitations as applied to claim 1 above and also disclose wherein the external communication is radio communication with a mobile communications system for location registration of the portable communication device (Paragraph [0016], of Zhou et al.).

Consider claim 3, Zhou et al. as modified by Cannon disclose all the limitations as applied to claim 1 above and also disclose wherein the external communication is wired communication with an external information processing device through an

external connector (Page 5 lines 20-26, page 6 lines 31-35, figure 1 elements 101, 103, 118, 128 and 119, of Cannon).

Consider claim 6, Zhou et al. disclose a power supply control system in a portable communication device provided with a plurality of controllers including a main controller (control portion) and a sub controller (cellular radio device) for controlling external communication (Abstract, paragraphs [0015]-[0016], figure 1 elements 1, 3 and 4), comprising: operation check means for checking whether the sub controller is controlling the external communication (Paragraphs [0016] and [0035]); and power control means controlling power supply of the sub controller such that the sub controller is powered off when the external communication has not been controlled (Abstract, figure 1 elements 1, 3 and 4, paragraphs [0016] and [0035]).

However, Zhou et al. do not disclose a predetermined time-out period.

Cannon discloses a predetermined time-out period (Abstract, page 2 lines 1-19).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a predetermined time-out period as taught by Cannon in the method of Zhou et al. in order to respond to a need to communicate with the external device during the predetermined time-out period and disconnect power when the time-out period expires in order to save power (as suggested by Cannon in page 1 lines 13-32, page 2 lines 1-19, and as suggested by Zhou et al. in paragraph [0012]).

Consider claim 9, Zhou et al. disclose a portable communication device comprising: a radio communication section for communicating with a base station of a mobile communication system (Abstract, paragraphs [0015]-[0016], figure 1 elements 1,

3 and 4, figure 2 element 44); a main CPU for controlling an entire operation of the portable communication device (Abstract, paragraph [0035], figure 1 elements 1, 3 and 4, figure 2 element 50); a sub CPU for controlling external communication (Abstract, figure 1 elements 1, 3 and 4, figure 2 elements 57 and 58); a dual port memory connected to the main CPU at one port and connected to the sub CPU at the other port, for transferring messages between the main CPU and the sub CPU (Paragraph [0035], figure 2 elements 50, 51, 52, 53, 57, 58 and 59, where Zhou et al. disclose the main CPU 50 and the power control portions 57 and 58 are both connected to memory elements using bus 59), wherein the main CPU implements: operation check means for checking whether the sub controller is controlling the external communication (Paragraphs [0016] and [0035]); and power control means controlling power supply of the sub controller such that the controller is powered off when the external communication is not been controlled (Abstract, figure 1 elements 1, 3 and 4, paragraphs [0016] and [0035]).

However, Zhou et al. do not disclose wherein the main CPU implements a predetermined time-out period and wherein the sub controller implements: response means for sending the operation check response back to the main controller when the external communication is being controlled.

Cannon discloses wherein the main CPU implements a predetermined time-out period and wherein the sub controller implements: response means for sending the operation check response (retry request) back to the main controller when the external

communication is being controlled (Abstract, page 2 lines 1-19, figure 1 elements 119 and 128).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a predetermined time-out period as taught by Cannon and response means for sending the operation check response back to the main controller when the external communication is being controlled, also taught by Cannon, in the method of Zhou et al. in order to respond to a need to communicate with the external device during the predetermined time-out period and disconnect power when the time-out period expires in order to save power (as suggested by Cannon in page 1 lines 13-32, page 2 lines 1-19, and as suggested by Zhou et al. in paragraph [0012]).

Consider claim 10, Zhou et al. disclose a computer-readable medium encoded with a computer program (control program) instructing a computer implement a power supply control method in a portable communication device provided with a plurality of controllers including a main controller and a sub controller for controlling external communication (Abstract, paragraphs [0015]-[0016]), the program comprising the steps of: checking whether the sub controller is controlling the external communication and powering off the sub controller (Paragraphs [0016] and [0035]).

However, Zhou et al. do not disclose adjusting the power when the external communication has not been controlled for a predetermined time-out period.

Cannon discloses adjusting the power when the external communication has not been controlled for a predetermined time-out period (Abstract, page 2 lines 1-19).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to adjust the power when the external communication has not been controlled for a predetermined time-out period as taught by Cannon in the method of Zhou et al. in order to respond to a need to communicate with the external device during the predetermined time-out period and disconnect power when the time-out period expires in order to save power (as suggested by Cannon in page 1 lines 13-32, page 2 lines 1-19, and as suggested by Zhou et al. in paragraph [0012]).

Consider claims 4, 7, and 11, Zhou et al. as modified by Cannon disclose all the limitations as applied to claims 1, 6 and 10 above and also disclose wherein the operation check means sends an operation check request (attempt to communicate) to the sub controller when an operation check timer is reset for the predetermined time-out period (Abstract, page 2 lines 1-19 of Cannon, reads on claims 4, 7 and 11), and determines whether an operation check response (retry request) to the operation check request is received from the sub controller (Abstract, page 2 lines 1-19 of Cannon, reads on claims 4, 7 and 11), and the power control means powers off the sub controller (Paragraphs [0016] and [0035] of Zhou et al., reads on claims 4, 7 and 11) when the operation check response is not received from the sub controller within the predetermined time-out period (Abstract, page 2 lines 1-19 of Cannon, reads on claims 4, 7 and 11), and keeping the sub controller powered on when the operation check response is received from the sub controller within the predetermined time-out period (Abstract, page 2 lines 1-19 of Cannon, reads on claims 4, 7 and 11).

Consider claims 5, 8, and 12, Zhou et al. as modified by Cannon disclose all the limitations as applied to claims 4, 7 and 11 above and also disclose implementing at least an external interface task (attempt to communicate) and timer handler (predetermined response time period) in the main controller (Abstract, page 2 lines 1-19 of Cannon, reads on claims 5 and 12); and implementing at least an external communication monitoring task the sub controller, wherein the external interface task sends operation check request when timer handler starts operation check timer (Abstract, page 2 lines 1-19 of Cannon, reads on claims 5 and 12) and, when the operation check response is not received from the sub controller within the predetermined time-out period(Abstract, page 2 lines 1-19 of Cannon, reads on claims 5 and 12), powers off the sub controller (Paragraphs [0016] and [0035] of Zhou et al., reads on claims 5 and 12), wherein the external communication monitoring task sends the operation check response back to the external interface task when the external communication is being controlled (Abstract, page 2 lines 1-19 of Cannon, reads on claims 5, 8 and 12).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is

not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alejandro Rivero whose telephone number is (571) 272-2839. The examiner can normally be reached M-F, 8:30AM-5:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AR

7/20/06

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PRIMARY EXAMINER